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U.S. DISTRICT COURT
N.D. OF N.Y.
FILED

NOV 25 2008

LAWRENCE K. BAERMAN, Clerk
UTICA

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

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MAYRA CROWELL :
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 Plaintiff, :
 v. :
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 COMMISSIONER OF :
 SOCIAL SECURITY, :
 :
 Defendant. :
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**Hon. David N. Hurd
Magistrate David R. Homer
Civil Action No. 08-1009**

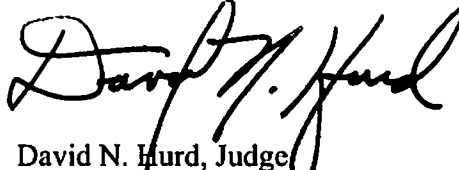
**CONSENT ORDER TO REMAND
PURSUANT TO SENTENCE 6 OF
42 U.S.C. § 405(g)**

This matter having been opened to the Court by Andrew T. Baxter, Acting United States Attorney for the Northern District of New York, and Kimberly L. Schiro, Special Assistant United States Attorney, attorneys for the Defendant, for an Order remanding the within cause of action to the Defendant, pursuant to sentence 6 of 42 U.S.C. § 405(g); and Plaintiff, through the undersigned attorney, having consented to the within order and the requested remand, and the Court having considered the matter, so that further administrative action may be taken;

IT IS on this 25th day of November, 2008;

ORDERED that this matter be, and the same hereby is, REMANDED to reconstruct the file thereafter through further administrative proceedings including holding a new hearing before an administrative law judge and issuing a new decision and it is further

ORDERED that the Court will retain jurisdiction over the within matter, in accord with the decision in Melkonyan v. Sullivan, 111 S. Ct. 2157 (1991).



David N. Hurd, Judge
United States District Court

The undersigned hereby consent to the form and entry of the within order.

ANDREW T. BAXTER
Acting United States Attorney

By: s/ Kimberly L. Schiro
Kimberly L. Schiro
Special Assistant U.S. Attorney

By: s/ Howard D. Olinsky
Howard D. Olinsky, Esq.
Attorney for Plaintiff